

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEJANDRO MERCADO-GARCIA,
JACINTO NORIEGA-ULLOA, and
FRANCISCO CARRILLO-NORIEGA,

Defendants.

8:19CR286

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture ([Filing No. 85](#)). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On March 2, 2020, the Court held a Change of Plea hearing where defendant Jacinto Noriega-Ulloa entered a plea of guilty to Counts One and Seven of the Indictment.

2. On October 8, 2020, defendant Francisco Carrillo-Noriega entered into a Plea Agreement ([Filing No. 77](#)) whereby he agreed to waive indictment by a grand jury and enter a plea of guilty to Counts One and Two of an Information and agreed to admit to the Forfeiture Allegation. [Filing No. 72](#).

3. On November 2, 2020, the Court held a Change of Plea hearing where defendant Alejandro Mercado-Garcia entered a plea of guilty to Count One of the Indictment. [Filing No. 81](#).

4. The Forfeiture Allegation of the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of the following property on the basis they were used or were intended to be used to facilitate the offenses, and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses:

- a. The real property located at: 4931 South 50th Street, Omaha, Nebraska, 68117, and more particularly described as: Lot 90, Meadow Crest 2nd, an addition to the City of Omaha, as surveyed, platted, and recorded in Douglas County Nebraska.
- b. \$21,100.00 of United States Currency seized from 4931 South 50th Street, Omaha, Nebraska;
- c. A 2015 Jeep Compass, VIN: 1C4NJDBB6FD240373 registered to Francisco Carrillo-Noriega;
- d. 2016 Toyota Tacoma LTD, VIN: 3TMGZ5AN7GM039333 registered to Jacinto Noriega Ulloa;

5. The United States is entitled to possession of said property, pursuant to 21 U.S.C. § 853.

6. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. The Motion for Preliminary Order of Forfeiture is hereby granted.
- B. Based upon defendants' pleas of guilty to the Indictment or Information and admission to the Forfeiture Allegations therein, the United States is hereby authorized to seize the property listed above.
- C. Defendants' interest in the property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
- D. The United States shall hold the property in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the property.

F. Pursuant to 21 U.S.C. § 853(n)(2), notice shall provide that any person, having or claiming a legal interest in any of the property must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 30th day of November, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge